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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,965	04/25/2001	Markus Baumeister	DE000071	6068

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/841,965

Applicant(s)

BAUMEISTER ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1 and 3-7.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.

Justin T. Darrow
JUSTIN T. DARROW
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that the limitation in the claim 1, "the filter further evaluates additional data occurring while the user has access to the access control object, not before the user has access to the control objects, monitors a change in the access rights, and triggers withdrawal of the access rights to the access controlled object." Applicant further argues that nowhere in FIG. 3 is there any disclosure or mention of evaluating additional data occurring while the user has access to an access control object, monitoring a change in the access rights, and triggering withdrawal of the access rights to the access controlled object.

Examiner disagrees with this argument.

Examiner would point out that Peterka, the reference on record discloses the following.

"The filter further evaluates additional data occurring while the user has access to the access control object,[Page 20, lines 28- page 21; page 31, lines 19-28](Even If the caller has the required permission, a further check is made to determine whether a "condition" of the receiver 160 is satisfied. This is determined at the access controller 240 by analyzing the current environment of the receiver 160. As explained on page 28, lines 17-31, the user can define the time frame for the children and access a certain program. While the children has already access to the control object/program the system will monitor the time and the current viewer whether or not the current viewer is a child or an adult. This means the system will inherently checks the identity of the viewer by prompting the user to enter their appropriate personal identification number as explained on page 26, lines 26-31, Just before the predetermined time that is set for the viewer is expired the system will inherently verify the identity of the viewer by checking their Pin and if the viewer is an adult the user will be allowed to continue accessing the control objects. Imagine the scenario where an adult tried to continue accessing the control object or program which the child is already given access to the control objects or TV program but already given time restriction, The adult just put his/her Pin and be able to continue accessing the control object. Therefore this explains the fact that the reference on the record actually discloses that access to the control objects are also checked while the viewer/user has already accessed to the control objects. See also on the access controller determines who the current user is and checks his permissions as well as well as the application permissions] monitors a change in the access rights,[Page 21, lines 11-20; see also page 21, lines 21-page 22, line 14, page 31, lines 19-28] (data indicating the current environment of the receiver, such as time of the day or date, parental lockout status, pay-per-view status, current viewer, current authorization state that is relevant and changes over time.) and triggering withdrawal of the access rights to the access controlled object.[Page 22, lines 22-33; figure 3, ref. Num "370"] (If the access controller determines the condition/additional data which dynamically changes with time as explained on page 21, lines 19-20 while the user has access to the access objects as explained on page 20, lines 28-page 21, line 2 and monitors a change in the access rights as explained above and triggering withdrawal of the access right to the access controlled objects as explained on page 22, lines 22-23 or figure 3, ref. Num "370"] . For the argument that the applicant made in relation to the reference on the record does not disclose the filter monitors a change in the access rights. The examiner disagrees on the argument and on the top of the argument provided above, Peterka further discloses the following, "when the user tunes to another channel, sometimes the application stays on, and sometimes it is terminated, depending on the definition of the policy and this on the top of the argument that examiner provided above meets the recitation of this particular limitation. [Page 31, lines 19-28]

The next argument by the applicant with regard to claim 1

Applicant further argued that the reference on the record does not disclose that access rights are ever dynamically withdrawn during an access which has already been granted. Though the applicant admitted that Peterka discloses how the current condition is evaluated before granting permission, applicant is not convinced that, the conditions are further evaluated while access is in progress.

With respect to the above argument the Examiner will respond the following:

On page 31, lines 19-28, Peterka discloses his invention in comparison to the prior art inventions indicating how the prior art rating control is not dynamic and his/her invention evaluates the access control dynamically even after the user has been provided an access. In support of the argument Peterka indicated that when the user who has already acquired an access to a certain channel when he tunes/changes to another channel, the application could stay on or terminated depending on the definition of the policy which is dynamically changing depending on the factors which are changing dynamically and this implies that the access right is dynamically withdrawn during an access which has already been granted.

Therefore all the elements of the limitations of claim 1 is explicitly or implicitly suggested and disclosed by the references on the records.

The second argument by the applicant regarding claims 3 and 4

Applicants argument is based on the same reasons provided to claim 1, since they are dependent on claim 1.

Examiners disagrees with the remark by the same argument/reasons indicated for claim 1.

The other argument by the applicant regarding claim 5

Claim 5, which was a dependent claim previously is rewritten in independent form by the applicants. Applicants argued that the references on the records namely Peterka, Brown and their combination does not include the following features and argued as follows:

"The cited text in Brown merely discloses that a directory service maintains a directory of content objects as nodes in a tree-like structure. However, the cited text makes no mention of each node containing a list of permitted users or user groups, respectively, of the access controlled object and for each user or user group respectively, including a list of methods of use. Instead, it appears that Brown uses an access control matrix and access rights database (152) which is organized based on users, not by objects, and which is organized on a user-by-user (or user-group-by-user-group) basis to list for each user (or user group) the content nodes and access operations available to the user."

Examiner disagrees with this argument.

Examiner would point out that Peterka, discloses the access right manager which is interpreted by the office to be the "Security Policy" has a data structure for listing and accessing the permission of the associated controlled objects or functionalities and lists the name of the associated permission.(page 20, lines 15-18; page 4, lines 5-6). Furthermore Peterka discloses that "resource manager " which is interpreted by the office to be the "Access Controller" checks the access right manager or the "Security Policy" to check the appropriate permission.(page 19, lines 24-29) and

Brown discloses that on-lines services or directory services maintains a directory structure of the content objects that are accessible to the user with the content objects forming nodes of the tree-like directory structure or data structure. This data structure provides a hierarchical navigable view of content. (column 2, lines 38-46)

The motivation of combining references to disclose the claimed limitation is shown on claim 5. [See claim 5 below].

Applicant next argued the dependent claim 6 and the examiner respond to the independent claim 5 also applicable to this particular claim. The last argument by the applicant in relation to the independent claim 7. The examiner respond provided to claim 1 is also applicable to this claim since the examiner consider claim 7 to have similar limitation to claim 1.

Therefore all the elements of the claims limitation is explicitly or implicitly or inherently suggested and disclosed by the single or the combinations of the references on the record and the final rejection remains valid unless and otherwise the applicant rewrites/amend the limitation to overcome the rejection with out introducing a new matters..